

6. 2013SP-011-001

WATTS LANE

Map 103-01, Parcel(s) 153
Council District 20 (Buddy Baker)
Staff Reviewer: Greg Johnson

A request to rezone from R6 to SP-MU, and for final site plan for property located at 813 Watts Lane, approximately 120 feet west of Neighborly Avenue (1.57 acres), to permit light manufacturing and single-family residential uses, requested by Larry Maxwell and Miriam Richardson, owners.

Staff Recommendation: Disapprove

APPLICANT REQUEST

Permit light manufacturing and single-family residential uses

Preliminary and Final SP

A request to rezone from One and Two Family Residential (R6) to Specific Plan – Mixed Use (SP-MU) and for final site plan for property located at 813 Watts Lane, approximately 120 feet west of Neighborly Avenue (1.57 acres), to permit light manufacturing and single-family residential uses.

Existing Zoning

One and Two Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

Proposed Zoning

Specific Plan – Mixed Use (SP-MU) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS

N/A

WEST NASHVILLE COMMUNITY PLAN

T3 Suburban Neighborhood Evolving (T3 NE) policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

Consistent with Policy?

No. The proposed SP would permit non-residential land uses in a policy area that is intended for residential-only development.

REQUEST DETAILS

A cabinet-making business occupies the site within a building of approximately 4,500 square feet. The business has operated in this location since before 1960. Although the business is classified as a light manufacturing use, which is not permitted under the R6 zoning district, it is classified by the Codes Administration Department as a legally non-conforming use. This SP would allow the current use to be a permitted use. According to the applicant, this is necessary in order to secure financing for the business. The applicant originally submitted a zone change request to the Commercial Service (CS) district, but worked with Planning staff to generate an SP that would further limit the proposed uses.

The intent of the SP is to permit as few uses as possible beyond the residential uses permitted by the R6 district. Because the current use falls under the light manufacturing classification, the SP permits only that classification in addition to residential. Light manufacturing would permit the current use and other similar uses that involve the manufacture of previously prepared materials. As stated in the Zoning Code, typical light manufacturing uses include paper imprinting, leather products, jewelry, food and bakery products, and non-alcoholic beverages.

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The SP limits the amount of permitted square footage of the light manufacturing uses to 5,000 square feet, which is slightly more square footage than currently exists. Additionally, the SP prohibits outdoor storage and commercial signage. Existing landscaping exists along the property boundaries on three sides, providing a buffer whose maintenance is required by the SP.

ANALYSIS

The site is surrounded by residential development on all sides. Although the SP seeks to limit the permitted uses to permit only the current non-conforming light manufacturing use and residential uses that would be permitted by the R6 zoning district, rezoning for non-residential uses in this location is not recommended by the T3 NE land use policy.

Under the current R6 zoning district, the business could continue to operate and even expand. However, the legal non-conforming status would stop after 30 months of inactivity, and uses would have to follow the R6 district. Rezoning the property to SP to allow this use would make this a conforming property for perpetuity even if the current owner were to cease operations and sell it to a new owner.

PUBLIC WORKS RECOMMENDATION

No exception taken

A traffic table was not created because the most intense use permitted by the SP already exists on the site (light manufacturing).

SCHOOL BOARD REPORT

A school board report was not generated for this SP because it would not increase the amount of residential development that is currently permitted.

STAFF RECOMMENDATION

Staff recommends disapproval of this SP because the proposed light manufacturing use is not consistent with the T3 Suburban Neighborhood Evolving policy.

CONDITIONS (if approved)

1. Uses in this SP shall be limited to light manufacturing and single-family residential. The property may be subdivided into a maximum of three lots in accordance with R6 zoning and in accordance with the Subdivision Regulations at the time of subdivision.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the R6 zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed,

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significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Public Works conditions for traffic impact study

1. Uses in this SP shall be limited to the current light manufacturing use and single-family residential. The property may be subdivided into a maximum of three lots in accordance with R6 zoning and in accordance with the Subdivision Regulations at the time of the subdivision.

Mr. Johnson presented the staff recommendation of disapproval.

Larry Maxwell, applicant, spoke in support of the application and clarified that the request for rezoning to commercial is only so the bank will allow a line of credit which will help keep the business running.

Bernard Pickney, 4604 Dakota Ave, spoke in opposition to the application and noted concerns with decreasing property values if commercial is brought in to residential.

Dr. Cummings moved and Mr. Clifton seconded the motion to close the Public Hearing. (8-0)

Mr. Adkins spoke in support of the application and noted that many times banks will not lend money because of zoning.

Mr. Clifton noted that he would not be in support of this without the SP, but the SP guarantees that the next owner cannot put something radically different here; in support of the application.

Mr. Gee inquired if it's possible to tie zoning to a specific business or owner.

Mr. Bernhardt stated that it has to be tied to the use, not the business.

Dr. Cummings spoke in support of the application.

Mr. Ponder stated concerns with the property values of the surrounding properties and noted that the best thing to do would be to start the business in another location.

Councilmember spoke in support of the application for containment reasons only as the current zoning would allow more expansion than the proposed zoning.

Mr. Bernhardt clarified that the conditions of rezoning will be much more limiting than the current nonconforming status.

Mr. Adkins moved and Mr. Clifton seconded the motion to approve with conditions, including the amended condition limiting the use. (7-1) Mr. Ponder voted against.

Resolution No. RS2013-42

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-011-001 is **Approved with conditions, including an amended condition limiting the use to the existing cabinet shop only and uses permitted by R6. (7-1)**

The SP is more consistent with the T3 Neighborhood Evolving policy than the current R6 zoning district because the SP would restrict expansion of the current light manufacturing use more than the R6 district and would permit residential development consistent with policy if the current use ceases.

CONDITIONS (if approved)

1. Uses in this SP shall be limited to the existing cabinet shop use only and uses permitted by R6 zoning. The property may be subdivided into a maximum of three lots in accordance with R6 zoning and in accordance with the Subdivision Regulations at the time of subdivision.

2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Metro Council approval, the property shall be subject to the

standards, regulations and requirements of the R6 zoning district as of the date of the applicable request or application.

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5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
